

**NOTICE OF ADMINISTRATIVE DECISION and
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

The City of Bainbridge Island has made a decision concerning the following land use application:

Date of Issuance: September 3, 2013
Project Name: Gove Shoreline Substantial Development Permit
File Number: SSDP 11798
Applicant: Robert and Erin Gove

Description of Proposal: Construction of a 159 foot dock. The proposed dock consists of a 4' x 115' pier, a 3' x 40' aluminum ramp, and a 6' x 10' connector float and an 8' x 30' "L" moorage float. The proposal also requests after-the-fact approval for a mooring buoy (Attachments A & C).

Location of Proposal: 15110 Anna Vera Lane, located in Section 34, Township 26, Range 2E TA# 342602-3-006-2002,

Permit Decision: The application is **approved with conditions**. The staff report, containing the statement of facts upon which the decision, including conditions, is based and the conclusions of law derived from those facts, is available to the public upon request. The decision becomes effective after 21 days from the date of issuance, or after **September 24, 2013**

SEPA Determination: The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Responsible Official Katharine Cook, Director of Planning and Community Development

Address: Department of Planning & Community Development
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110 (206) 842 - 2552

Signature: Katharine Cook Date: 08/30/13

Appeal Procedure:

This administrative decision and/or SEPA determination may be appealed by filing a written appeal and paying a \$530.00 filing fee to the City Clerk at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 2.16.020 P and/or 16.04.170. An appeal must be filed **no later than 4:00 p.m., September 24, 2013**. You should be prepared to make specific factual objections.

If you have any questions concerning this application, please contact:

Joshua Machen, AICP, Planning Manager
Department of Planning and Community Development
280 Madison Avenue North
Bainbridge Island, WA 98110 (206) 780-3765
Fax: (206) 780-0955 Email: pcd@bainbridgewa.gov

SEPA Conditions:

1. To protect juvenile Chinook salmon residing in nearshore areas, work waterward of the actual ordinary high water line shall not be permitted from March 1 through July 14.
2. To protect spawning Pacific Herring, work waterward of the ordinary high water line shall not be permitted from January 15 through April 30th.
3. Extreme care shall be taken to prevent petroleum products, chemicals, or other toxic or deleterious materials from entering the water and degrading water quality. If a spill does occur, or if oil sheen or any distressed or dying fish are observed in the project vicinity, work shall cease immediately and Washington Department of Ecology shall be notified of such conditions. Contact: Northwest Regional Spill Response Section at (206) 649-7000.
4. The pier is to be a minimum of one foot above extreme high water.
5. To avoid degradation of existing water quality, no over-water application of paint, preservative treatment, or other chemical compounds shall be permitted at any time.
6. Piles shall not be treated or coated with biocides such as paint or pentachlorophenol.
7. Only non-reflective materials shall be used in construction of the pier.
8. No overhead wiring or plumbing shall be allowed on the pier.
9. Lighting shall be limited to the minimum necessary for safety or as required by the Coast Guard.

10. Floatation for the structure shall be fully enclosed and contained to prevent the breakup or loss of the floatation material into the water.
11. As proposed, only steel piles shall be used in the dock construction.
12. In order to mitigate impacts on the tidelands float stops and stub piles (if needed), shall be installed to hold the float a minimum of one foot above the tidelands.
13. In order to mitigate possible impacts from chain scour from the location of the existing buoy, the buoy shall be moved to a location that has a bottom depth of a minimum of -9 MLLW or deeper or the buoy design shall be altered in a way that prevents the buoy and line from grounding at extreme low tides.
14. A revised buoy plan and detail shall be submitted to the city for review and approval. The revised plan shall show the buoy and attachment line with no more than 20 percent scope, and at a minimum shall contain one mid-line float 1/3 the distance from the bottom.
15. Unless a dive survey is provided showing no impacts on macro algae, the relocated buoy shall be installed using a helical anchor placed by a Fish and Wildlife certified diver.

Project Conditions:

16. A building permit shall be obtained from the Department of Planning and Community Development prior to commencing construction.
17. Work shall be completed in substantial conformance with the site plan date stamped June 10, 2013 and dock detail date stamped April 17, 2013 (Attachments C & D).
18. Prior to installing the mooring buoy a license or lease shall be obtained from the Department of Natural Resources.
19. The buoy shall be a minimum of 18-inch white ball with a blue strip around the middle. The DNR identification number and owners name shall be in a legible font on the buoy.
20. Activities to be undertaken as part of this permit may require approvals or permits from the Washington Department of Fish and Wildlife, the Army Corps of Engineers, and/or a Department of Natural Resource lease or permission from the City of Bainbridge Island or Kitsap County as tideland owner. Evidence of required approvals or permission shall be submitted to the City prior to the commencement of any construction activities.
21. The applicant shall notify the City in writing at least 48 hours before work is to begin and the duration of the work period.
22. In accordance with the Washington Administrative Code (WAC 332-30-144) "Recreational Docks", the applicant is authorized to have and maintain a recreational

dock in front of their upland property subject to the following conditions:

- a. Applicant is the abutting residential owner of a family dwelling.
- b. Dock is for moorage of up to four pleasure craft only.
- c. No commercial uses are authorized.
- d. No residential use (live-aboards) allowed.
- e. No covered moorage and/or houseboats are allowed.

23. Construction pursuant to this permit shall not begin and is not authorized until 21 days from the date of filing with the Department of Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).
24. The authorization granted by this SSDP to construct the proposed dock shall expire within two years unless substantial progress towards completion is undertaken. Authorization for the proposed structures shall terminate five years after the date the permit is approved by the city, unless an extension is granted in accordance with BIMC 16.12.370 D.2.d.